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GOVERNMENT OF THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

- - - - -X

IN THE MATTER OF :
El Agave Tex Mex Restaurant : CASE #PRO-00010
LLC, t/a Villa Tuscana :
1723 Columbia Road Northwest :
License # ABRA-100312 :
Retailer Class CR :
New application :

- - - - - X

Monday, February 29, 2016

Whereupon, the above-referenced matter
came on for hearing at the Alcoholic Beverage
Regulation Administration, Reeves Center, 2000
14th Street, N.W., Suite 400S, Washington, D.C.
20009.

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2 CHAIRPERSON:

3 LAVERNE FLETCHER, MEDIATION SPECIALIST

4

5 ALSO PRESENT:

6 Jose Larios

7 Martina Kinkle (Interpreter)

8 Denis James

9 William Simpson

10 Nancy Shia

11 Ellen Jaffe

12 Stephen McKevitt

13 Christine MacCallum

14 Gay Glading

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1 P R O C E E D I N G S

2 [Start 10:00 a.m.]

3 CHAIRPERSON FLETCHER: This is Case # 16-
4 PRO-00010, El Agave Tex Mex Restaurant, LLC,
5 trading as Villa Tuscana, 1723 Columbia Road
6 Northwest, License # ABRA-100312, Retailer Class
7 CR, New Application. The protest issues are
8 adverse impact on peace, order and quiet. My
9 name is LaVerne Fletcher, I'm conducting the Roll
10 Call Hearing as the Board's Agent pursuant to
11 D.C. Official Code 1601.2.

12 Introductions beginning with the
13 applicant. Excuse me, I'm going to have to ask
14 you to cease conversations. It's confusing the
15 record. The court reporter can't hear your
16 conversation and this introduction at the same
17 time. Your name please?

18 MR. LARIOS: Jose Larios.

19 COURT REPORTER: Jose Larios.

20 MEDIATOR FLETCHER: Thank you. Jose
21 would you please spell your last name for the
22 record?

1 MR. LARIOS: J-O-S-E- L-A-R-I-O-S.

2 MEDIATOR FLETCHER: Okay. Thank you and
3 you're Ms. Kindle?

4 MS. KINKLE: Kinkle, yes

5 MEDIATOR FLETCHER: You're the Spanish
6 language interpreter?

7 MS. KINKLE: Yes.

8 MEDIATOR FLETCHER: Would you state your
9 name and spell it for the record please.

10 MS. KINKLE: Martina Kinkle. K-I-N-K-L-E.

11 MEDIATOR FLETCHER: You're Martina?

12 MS. KINKLE: Martina, M-A-R-T-I-N-A.

13 MEDIATOR FLETCHER: Okay and Ms. Kinkle
14 was provided through ABRA through the Multi-
15 Cultural Community Service organization. And,
16 Ms. Kinkle, I was going to ask you something.
17 I'm going to ask you to just speak into the
18 microphone.

19 MS. KINKLE: Okay.

20 MEDIATOR FLETCHER: Just speak out loud,
21 the microphone will pick it up so that we have
22 your interpretation on the record.

1 MS. KINKLE: Okay.

2 MEDIATOR FLETCHER: Thank you. Present
3 on behalf of the Kalorama Citizen Association.

4 MR. JAMES: Denis James. Denis spelled
5 with one N.

6 MEDIATOR FLETCHER: And that's J-A-M-E-S,
7 Mr. James?

8 MR. JAMES: That's correct.

9 MEDIATOR FLETCHER: Can the court
10 reporter hear Ms. Kinkle?

11 COURT REPORTER: A little bit.

12 MEDIATOR FLETCHER: Can you speak up a
13 little bit louder? The microphone is right in
14 the center of the table. Present on behalf of
15 ANC 1C?

16 MR. SIMPSON: I'm William Simpson.
17 That's S-I-M-P-S-O-N.

18 MEDIATOR FLETCHER: Thank you Mr.
19 Simpson. The person on behalf of the group of
20 19?

21 MS. SHIA: Nancy Shia. S-H-I-A.

22 MS. JAFFE: Ellen Jaffe. J-A-F-F-E.

1 There are other people here who are represented?

2 You want them too?

3 MEDIATOR FLETCHER: Okay, just stand up
4 behind Ms. Shia and just state your name into the
5 microphone that's on the table right there and if
6 you could just state it and spell it.

7 MR. MCKEVITT: Stephen McKevitt. S-T-E-
8 P-H-E-N M-C-K-E-V-I-T-T.

9 MEDIATOR FLETCHER: Thank you.

10 MS. MACCALLUM: Christine MacCallum.
11 Christine with a CH. MacCallum: M-A-C-C-A-L-L-
12 U-M.

13 MEDIATOR FLETCHER: Thank you.

14 MS. GLADING: Gay Glading. G-A-Y G-L-A-
15 D-I-N-G.

16 MEDIATOR FLETCHER: I'm sorry, I missed
17 that completely, I'm sorry. What's the first
18 name again?

19 MS. GLADING: Gay, G-A-Y.

20 MEDIATOR FLETCHER: And what's the last
21 name?

22 MS. GLADING: Glading. G-L-A-D-I-N-G.

1 MEDIATOR FLETCHER: Thank you. And Ms.
2 Shia and Ms. Jaffe you signed a protest letter
3 also, yes?

4 MS. GLADING: Yes, Nancy Shia and I were
5 the desig -- the people designated in that
6 protest letter and we have signed it as well.

7 MEDIATOR FLETCHER: Thank you and so the
8 group of 19 is granted standing. Because there
9 are five of you present today, at the upcoming
10 status hearing only one of you need to appear,
11 it's up to you, you just don't need to come back
12 again for the status hearing.

13 MS. JAFFE: Thank you very much.

14 MEDIATOR FLETCHER: You're welcome. The
15 same thing applies to the mediation. You, Ms.
16 Jaffe, and you, Ms. Shia, one or both of you can
17 come to the mediation, that would be fine. There
18 are three protestants. The Kalorama Citizen
19 Association, ANClC and group of 19. We need to
20 set a date for a mediation, a status hearing and
21 a protest hearing.

22 I'll give you the dates of the status

1 hearing first: The status hearing is scheduled
2 for March 16 at 9:30 a.m. The protest hearing is
3 scheduled for April 6th at 4:30 p.m. Before we
4 go --

5 MR. SIMPSON: Ms. Fletcher, pardon me.
6 April 6 is the date that the Advisory
7 Neighborhood A1C's monthly business meeting which
8 would make it very difficult for any commissioner
9 of A1C to be present at that meeting.

10 MEDIATOR FLETCHER: I'm sorry. Can the
11 court reporter hear Mr. Simpson speaking? Okay,
12 sorry, go ahead Mr. Simpson.

13 MR. SIMPSON: April 6 is the date of the
14 Advisory Neighborhood Commission A1C's monthly
15 business meeting, so a 4:30 hearing time would
16 make it very difficult for any commissioner of
17 ANC 1C to participate. Is there a possibility of
18 having a different date for the protest date?

19 MEDIATOR FLETCHER: What you can do, Mr.
20 Simpson, is send an e-mail to Martha Jenkins,
21 that's M-A-R-T-H-A J-E-N-K-I-N-S, Martha Jenkins
22 is the General Counsel. You can send an e-mail

1 to Martha Jenkins and copy all the parties on it
2 requesting a new protest hearing date. If
3 everybody's in agreement with that, to consider
4 it, the Board will consider it and just make the
5 request. I'll let her know that you're going to
6 be requesting a new date.

7 MR. SIMPSON: One challenge. I'm not
8 sure if Mr. Larios has an e-mail address.

9 MEDIATOR FLETCHER: I'm gonna address his
10 contact information next.

11 MR. SIMPSON: Okay.

12 MEDIATOR FLETCHER: That's what I was
13 actually about to do. Mr. Larios, your, the
14 letter that we sent you regarding this hearing
15 today was returned. So, I want to confirm a
16 mailing address on you just for the record. It
17 was returned with a note from the post office, "
18 not deliverable as addressed and unable to
19 forward." Do you have a mailing address that you
20 would like for us to use?

21 MR. LARIOS: You can use the 1723.

22 MEDIATOR FLETCHER: Yes 1723 Columbia

1 Road Northwest, Washington D.C., 20009. It was
2 returned.

3 MR. LARIOS: So, the problem was that I
4 hadn't registered with that mailbox but now it
5 should be resolved and you should be able to use
6 that address.

7 MEDIATOR FLETCHER: Okay. Perfect. Thank
8 you. And, Mr. Larios, if you would also provide
9 us with an e-mail address if you didn't already.
10 On that contact sheet there's a place to write an
11 e-mail address and a daytime phone number.

12 MR. LARIOS: Yes. I can write that down
13 here.

14 MEDIATOR FLETCHER: Thank you. Next is
15 for mediation. I'll give you the next available
16 dates before the status hearing. Generally,
17 mediation occurs before the status hearing. But
18 this status hearing is next week, so the status
19 hearing is on March the 9th, a Wednesday. I'm
20 sorry, the 16th. I made a mistake, I'm sorry.
21 March 16th.

22 MS. JAFFE: Oh, right, right, right.

1 MS. SHIA: And you said it's a Monday?

2 MEDIATOR FLETCHER: The status hearing is
3 going to be on a Wednesday.

4 MR. JAMES: I'd like to point out that
5 because this hearing was delayed two weeks, it
6 makes a very short schedule before the other
7 hearing, so perhaps they should all be changed.

8 MEDIATOR FLETCHER: Well, what's gonna
9 change -- what I was about to say is the
10 mediation may have to take place after the status
11 meeting if it's too short of notice.

12 MR. JAME: That doesn't make any sense.

13 MEDIATOR FLETCHER: That's the way it has
14 to be unless you petition the board for some new
15 dates. So, right now the status hearing is March
16 16 because those are the dates. The protest
17 hearing is on April 6th right now. If those
18 dates are going to be changed they have to be
19 changed through the board, those dates. And so,
20 if the mediation can't take place before March
21 16th, because of short notice, short turnaround,
22 then we can have the mediation after March 16?

1 MS. JAFFE: But won't the board have
2 already responded?

3 MEDIATOR FLETCHER: That happens after
4 the protest hearing.

5 MS. JAFFE: Oh, okay, all right.

6 MEDIATOR FLETCHER: Yeah, the purpose of
7 the status hearing is just to report the results
8 of mediation.

9 MS. JAFFE: Okay.

10 MEDIATOR FLETCHER: But in this case you
11 may be reporting that mediation is yet to come.

12 MS. JAFFE: Okay.

13 MEDIATOR FLETCHER: I'll just give you
14 the next two dates available before the 16th and
15 if that doesn't work I'll just keep moving
16 through the calendar. This Friday is available.
17 I know that's short notice, I just have to tell
18 you. March 4 is available and March 10th. The
19 March 10th is next Thursday. If that's not good
20 for everyone then we'll move on.

21 MS. SHIA: What time?

22 MEDIATOR FLETCHER: At 9:00, 10:00 or

1 11:00.

2 MR. JAMES: I'd rather it be 10:00,
3 that's better for me.

4 MS. JAFFE: 10 on the 10th?

5 MEDIATOR FLETCHER: Is that good?

6 MR. LARIOS: That's fine.

7 MEDIATOR FLETCHER: So, okay. So, then,
8 mediation is set for March 10th at 10:00. But
9 Mr. Larios you're going to receive -- all future
10 communication is going to come to you through
11 that e-mail address. So you'll receive the
12 scheduling notice about the upcoming hearings by
13 the e-mail address. So, if you just make sure to
14 print clearly so we can read it, that will be
15 helpful. There's a note on the contact sheet
16 that tells you that, I'm just telling you because
17 this is the first time we've ever met, I don't
18 think you've ever been here.

19 MS. SHIA: Can we get the e-mail address?

20 MEDIATOR FLETCHER: Yes. Mr. Simpson
21 needs it because Mr. Simpson will need your e-
22 mail address so that he can copy you on the

1 requested change of the protest hearing date. Is
2 that okay with you, Mr. Larios?

3 MR. LARIOS: Yes.

4 MEDIATOR FLETCHER: Okay. There are
5 three protestants in this case with standing:
6 The Kalorama Citizens Association, ANC 1C and A
7 Group of 19. Any questions at all?

8 MS. JAFFE: I have a question. I don't
9 know if this is the appropriate place to --

10 MEDIATOR FLETCHER: Ms. Jaffe is that you
11 --

12 MS. JAFFE: Yes.

13 MEDIATOR FLETCHER: -- speaking? Okay.

14 MS. JAFFE: There were some problems with
15 the applications, there was some information that
16 wasn't correct, and I had spoken, I had e-mailed
17 I can't remember her name -- Sarah -- The last
18 name I can't remember but [inaudible 17:00].

19 MEDIATOR FLETCHER: You can check with
20 Sarah on that. I'm not a part of the application
21 process. Yeah that's okay.

22 [Cross talk.]

1 MR. LARIOS: They called me and I can to
2 correct the information on the application.

3 MEDIATOR FLETCHER: So Mr. Larios you
4 were called and then you came to correct the
5 information on the application?

6 MR. LARIOS: Thank you.

7 MEDIATOR FLETCHER: Do you have any other
8 questions?

9 MR. LARIOS: No.

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11 (Whereupon the above-entitled hearing is
12 concluded.)

13 [Time 10:22 am]

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